

MASS MAILING

The attached document is part of a mass mailing received in Docket Nos. 96-83 and 95-59. The following list specifies the names of the parties filing formal comment. The number of identical documents as specified in the File Number/City, St. field have been received by the Commission on this same date. You may contact an information technician in the Public Reference Room, Room 239 or 230 to view the documents.

Docket Number	Receipt/Adopted/Issued	Name of Applicant
96-83	9/19/96	1ST LAKE PROPERTIES INC
96-83	9/19/96	1ST LAKE PROPERTIES INC.
96-83	9/19/96	1ST LAKE PROPERTIES, INC
96-83	9/19/96	AXIOM REAL ESTATE MANAGEM
96-83	9/19/96	BARCLAY MANOR APARTMENTS
96-83	9/19/96	BELLEMEAD DEVELOPMENT COR
96-83	9/19/96	BRAZOS APARTMENTS
96-83	9/19/96	BROADWAY 428 APARTMENTS
96-83	9/19/96	BROOK LEPAGE MANAGEMENT C
96-83	9/19/96	BURNS PROPERTIES, INC
96-83	9/19/96	CAPITAL & COUNTIES USA
96-83	9/19/96	CCAMBRIDGE CLUB APARTMENT
96-83	9/19/96	CENTREFIRST PROPERTY MANA
96-83	9/19/96	COLTON DEL RIO PARTNERS
96-83	9/19/96	COLTON DEL RIO PARTNERS I
96-83	9/19/96	COLTON DEL RIO PARTNERS I
96-83	9/19/96	CREEKSIDE APARTMENTS
96-83	9/19/96	CROCKER PLAZA COMPANY
96-83	9/19/96	DELANEY, CHARLES
96-83	9/19/96	EL CORTEZ APARTMENTS
96-83	9/19/96	FAIRWAY CLUB APARTMENTS
96-83	9/19/96	FAIRWAY CLUB APARTMENTS
96-83	9/19/96	FAIRWAY VILLAGE APARTMENT
96-83	9/19/96	FOX GLEN APARTMENTS
96-83	9/19/96	FREDRICKS FUND III
96-83	9/19/96	FREDRICKS FUND IV
96-83	9/19/96	FREDRICKS FUND IV
96-83	9/19/96	GF, PROPERTIES
96-83	9/19/96	GOLD POINTE
96-83	9/19/96	GREENTREE VILLAGE
96-83	9/19/96	HARBOR CLUB NORHT APARTME
96-83	9/19/96	HARBOR CLUB NORHT APARTME
96-83	9/19/96	HARBOR COVE APRTMENTS
96-83	9/19/96	HARBOR MANAGEMENT, INC
96-83	9/19/96	KEARNY SPRING CO.
96-83	9/19/96	LA MADERA APARTMENTS
96-83	9/19/96	LASALLE PARTNERS
96-83	9/19/96	LEGOW MANAGEMENT COMPANY
96-83	9/19/96	LIBERTY PINES
96-83	9/19/96	LINCOLN GREEN
96-83	9/19/96	LOS ARBOLITOS APARTMENTS
96-83	9/19/96	LOS ARBOLITOS LTD
96-83	9/19/96	MAPLE PARK TERRACES
96-83	9/19/96	MAPLE PARK TERRACE:S IN MU
96-83	9/19/96	PARC EAST CONDOMINIUM UNI
96-83	9/19/96	PAVILION APARTMENTS
96-83	9/19/96	PROPERTY ASSET MANAGEMENT
96-83	9/19/96	PROPERTY ASSET MANAGEMENT
96-83	9/19/96	SHOLOMANOR APARTMENTS
96-83	9/19/96	SUMMIT AT LAKE UNION, THE
96-83	9/19/96	SUTTON CLUB APARTMENTS IN
96-83	9/19/96	TABER MILL APARTMENTS

Docket Number	Receipt/Adopted/Issued	Name of Applicant
96-83	9/19/96	TOWN AND COUNTRY TRUST
96-83	9/19/96	TRAMMELL CROW COMPANY
96-83	9/19/96	UNITED DOMINION REALTY TRU
96-83	9/19/96	VECTOR PROPERTY SERVICES
96-83	9/19/96	WOODBIDGE APARTMENTS
96-83	9/19/96	WOODBIDGE APARTMENTS

TOTAL : 58



September 16, 1996

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DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Preemption of Local Regulation of Satellite Earth Stations, IB Docket No. 95-59
and Implementation of Section 207 of the Telecommunications Act of 1996, CS
Docket No. 96-83

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on August 6, 1996, which asks for comments "with regard to placement of antennas on common areas or rental properties, property not within the exclusive control of a person with an ownership interest, where a community association or landlord is legally responsible for maintenance and repair and can be liable for failure to perform its duties properly." We enclose six (6) copies of this letter, in addition to this original.

Burns Properties, Inc. is in the residential real estate management business. We manage Broadway 428 Apartments, a 12 unit apartment community in Tyler, Texas.

Granting persons, who do not have an ownership interest in the property they rent, a presumptive right to install a satellite dish or to demand a community-based signal will adversely affect the conduct of our business without justification, and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for many reasons.

The FCC should not extend regulations implementing Section 207 of the Telecommunications Act of 1996 to situations in which the viewer does not have exclusive use or control and direct ownership interest in the property where the antenna is to be installed, used and maintained. There are many factors such as safety, security, aesthetics, liability, and insurance costs that a private property owner must consider and manage on a day-to-day basis. All of these factors are vital to the operation of an apartment community and cannot be discounted or properly compensated for on a uniform basis.

The weight or wind resistance of a satellite and the quality of installation may create maintenance problems and -- more importantly -- a hazard to the safety of residents, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair. Slipshod or faulty contractors could create all kinds of safety problems. Even good installers cannot guarantee against weather damage.

The technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access. And a community-type satellite dish or antenna mounted on the roof of our property is not necessarily the answer because of the great variation in condition and quality of roofs and it may be totally impractical and uneconomical to provide service to a small universe of potential subscribers.

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(409) 866-2398 FAX (409) 860-5208

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Burns". The signature is fluid and cursive, with the first name "Robert" and last name "Burns" clearly distinguishable.

Robert S. Burns, CPM
President

RSB:db